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SUBJECT: THE MINISTRY OF ENVIRONMENT--YOUNG AND TOOTHLESS

¶1. Summary. Many believed that President Fernandez would replace the Minister of Environment, Max Puig, at the mid-term point. After many cabinet shifts, however, Fernandez decided to keep Puig, which is a good indicator of where Environment falls on Fernandez's list of priorities....near the bottom. The Environment Ministry is young and toothless. End Summary.

¶2. In 2000, Congress passed Law 64-2000. Drawn up with technical assistance from USAID, the new General Law on Environment was intended to change the way the Dominican Republic views its environment. It provided for the creation of a Ministry of Environment, Municipal Environment Management Units (UGAMS), Institutional Environment Management Units, a National Environment Council, a National Environment Fund, and a National Environment Information System. Before 2000, twenty fragmented organizations had dealt with environmental issues in the Dominican Republic, with limited success. Law 64 was an opportunity for those who wanted to protect the environment, the water, the coast, the forests, the national parks, the air, and the future of the country.

¶3. Of the six major institutions to be created, only two are functioning today. While the young Ministry is well staffed, it is not efficient and has acquired a reputation as the "Ministry of Paper". Of 160 municipalities in the Dominican Republic, 60 have Municipal Environment Management Units (environmental representatives at the municipal level), but many of these exist only on paper. USAID is currently working with 11 of the UGAMs and has plans to double that number over the next year.

- The Institutional Environment Units consist of environmental representatives at each of the ministries. However, these positions are listed on paper only and the positions are currently not being filled.

- The National Environment Council is supposed to be chaired by the Minister of Environment and consist of ministers from Industry and Commerce, Agriculture, Finance, Tourism, Public Works, and Labor. President Fernandez created the Council by decree in December 2005, in a manner so unpublicized that Environment Minister Puig did not hear about it until late January. Puig was incensed. The council has yet to meet.

The National Environment Fund is supposed to generate resources from fines from those who violate environmental laws and from their internal budget. This fund is for environmental protection and sustainable natural resource use purposes. But the fund is not operational for a variety of reasons. The Ministry of Environment does not have the right to collect fines because it has not submitted draft legislation on environmental enforcement. The institution

that does collect fines for environmental violations is the Environment Police, a military unit that submits those fines to the Ministry of Finance.

- The National Environment Information System is another mandated program that is not operating due to a lack of resources. This system is intended to interconnect all the Ministry's local and regional offices so as to facilitate law enforcement and the issuance of permits in the Dominican Republic. Although USAID has provided the technical assistance to design the system, Minister Puig is still undecided about where within the ministry to place management responsibility. Though the recently inaugurated Secretariat web portal is a step forward, the Ministry does not yet have the funding or the hardware needed to finish the program.

¶4. In the strictly formal sense, Law 64 is an excellent structure for managing the environment. The free trade agreement CAFTA-DR also emphasizes the importance of the environment, suggesting a place for it on the administration's list of priorities.

¶5. Even so, many challenges and obstacles exist in the area of environment. Some of those challenges are the Ministry's inability to implement and enforce the environmental laws and norms, the evident lack of political will of the Minister, and a lack of resources and cohesiveness within the Ministry.

¶6. The Minister's secretary says that two draft sector laws and many environmental regulations and norms have been on Puig's desk for many months. These texts deal with biodiversity, coastal waters, forestry, toxic substances, and enforcement of the entire range of policy instruments.

¶7. As for resources, the Ministry has no labs and no field technical instruments to conduct environmental inspections and properly document and file cases of violations to the law. Inspectors can't travel to the field because of insufficient funding and transportation facilities, so they cannot observe existing site conditions in order to provide an environmental permit or to assess environmental damage. This is one reason for the excessive wait to obtain an environmental permit for a development project or to start a new business in the Dominican Republic.

¶8. Many of the Ministry's staff (e.g., national park rangers and managers) trained in 2004 through donors' technical assistance programs lost their jobs when the incoming Fernandez administration replaced them with PLD supporters.

¶9. Puig's most vigorous effort has been to attack the staff of his predecessor Frank Moya Pons for issuing permits that allowed the importation from Puerto Rico of several shiploads of rockash, waste from coal-fired power plants that was to be used as aggregates for construction in northwestern Montecristi and in northeastern Samana. The Ministry's Environmental Prosecutor spent a great deal of time instigating trials in the provinces against former Under Secretary of the Environment Rene Ledesma. Puig and the

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ministry officials asserted that rockash was toxic, even though it had been tested and found inert according to U.S. EPA standards. The Montecristi judge dismissed the charges; the Samana trial is still unresolved; and the rockash was carted off by CEMEX for commercial use. The whole undertaking appeared to be political.

¶10. Otherwise, Puig does make announcements and at times defends the country's environment against poachers -- including, at times, against Minister Felix Jimenez of Tourism. But Puig's announcements have no follow-up and no teeth. With tourism pulling in 12 percent of GDP, Puig is in no position to insist.

¶11. This report and extensive other material can be consulted on our SIPRNET site,  
<http://www.state.sgov.gov/p/wha/santodomingo/>

¶12. Drafted by Chris Davy.  
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